

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

**TEMPORARY PERMIT
FOR DIVERSION AND USE OF WATER**

PERMIT 21155

Application T31428 of

**The Sea Ranch Water Company
P.O. Box 16
The Sea Ranch, CA 95497**

filed on **May 20, 2003**, has been approved by the State Water Resources Control Board (SWRCB) SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

The SWRCB finds that: (1) the applicant has an urgent need for the water proposed to be diverted and used; (2) the water may be diverted and used without injury to any lawful user of water; (3) the water may be diverted and used without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and (4) the proposed diversion and use are in the public interest provided that the permittee complies with any permit conditions imposed.

The Sea Ranch Water Company (SRWC) requires a temporary water source for the community's domestic supply during the summer and fall of 2003 as its storage reservoir will be taken out of service for maintenance and repair. The Department of Water Resources' Division of Safety of Dams will supervise repair of the reservoir.

SRWC currently holds water right permits to divert water via offset wells from the underflow of South Fork Gualala River for their municipal water supply. However, there are restrictions on their permitted diversions during the summer and fall months when the river flow is low. SRWC will need to divert water from the river during the normally restricted low flow periods while their storage reservoir is out of service this summer and fall, therefore a temporary permit is necessary. The issuance of a temporary permit will not cause injury to any other lawful use of water downstream of the diversion.

In a document entitled, "The Sea Ranch Reservoir Project 2003 Conditions for Implementation of the Temporary Permit to Appropriate Water April 2003", and as amended by a Division of Water Rights contact report dated June 20, 2003, SRWC agreed to abide by operational conditions proposed by the National Marine Fisheries Service (NOAA Fisheries) and the Department of Fish and Game (DFG) in order to prevent any unreasonable effects upon fish, wildlife, or other instream beneficial uses this diversion could cause. The conditions were developed based upon the fact that this year has been considered a normal or above normal water year for the Gualala River. The conditions agreed to by SRWC, NOAA Fisheries and DFG are included as terms in this permit.

The proposed diversion and use are in the public interest as it will provide domestic supply to the community of The Sea Ranch.

The SWRCB received comments on the proposed temporary permit from Friends of the Gualala River (FGR) and the California Coastal Commission (CCC). The issues raised by FGR and CCC were addressed through inclusion of permit conditions requiring: (a) a water conservation plan; (b) ceasing diversion when flow is less than three cubic feet per second; and (c) no water may be used on the Sea Ranch Golf Course pursuant to this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source

Tributary to

Underflow of South Fork Gualala River

**Gualala River thence
Pacific Ocean**

within the County of **Sonoma**.

2. Location of point of diversion

By California Coordinate System of 1927, in Zone 2	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
North 382,000 feet and East 1,594,100 feet	SW ¼ of SE ¼	16	10N	14W	MD

3. Purpose of use	4. Place of use	Section	Township	Range	Base and Meridian	Acres
Municipal	Within the service boundaries of The Sea Ranch Water Company	34, 35, 36	11N	15W	MD	
		1, 2, 3, 12	10N	15W	MD	
		6, 7, 8, 16, 17, 18, 20, 21, 22, 27, 28, 29, 33	10N	14W	MD	

The place of use is shown on map on file with the SWRCB.

5. The water appropriated shall be limited to the quantity that can be beneficially used and shall not exceed 2.4 cubic feet per second (cfs) to be diverted from July 1, 2003 through December 31, 2003. The maximum amount diverted under this permit shall not exceed 300 acre-feet.
(0000005A)

For protection of fishery, wildlife, public trust and other instream uses in the South Fork Gualala River, diversions under this permit shall be limited when stream flow in the river at the point of diversion is less than 5 cfs, as follows:

1. No diversion shall take place at an instantaneous rate greater than 1.23 cfs (550 gallons per minute).
2. All diversions must take place from only one well at a time for a 10-hour nighttime period between 7 p.m. and 5 a.m.
3. If the stream flow in the river at the point of diversion is less than 3 cfs, SRWC will immediately cease diversion from the South Fork Gualala River and implement procedures for emergency alternative sources. Diversion may resume when streamflow equals or exceeds 3 cfs.
(0140060)

6. This permit expires on December 31, 2003.
(0510700)
7. The Sea Ranch Water Company staff will perform weekly stream flow measurements in the South Fork Gualala River immediately downstream of the existing wellfield.
(0060400)
8. Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the Chief, Division of Water Rights for approval within one month from the date of this permit or such further time as, for good cause shown, may be allowed by the Chief, Division of Water Rights.

The plan shall include all water conservation measures included in the letter dated May 22, 2003 from NOAA Fisheries to SRWC's consultant, Brelje & Race Consulting Engineers. All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein.
(0000029m)
9. Permittee shall report to the SWRCB monthly on the first day of each month that the permit is in effect, and by January 15, 2004 for operations during the month of December 2003, and document compliance with permit condition 5.
(0510900)
10. This permit does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.
(0000014)
11. The SWRCB may supervise diversion and use of water under this temporary permit for the protection of lawful users of water and instream beneficial uses and for compliance with permit conditions. Permittee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this temporary permit.
(0000011)
12. The permittee will not provide water for irrigation of the Sea Ranch Golf Course during the temporary permit period. The permittee shall provide water to domestic customers only pursuant to this permit.
(0430800)
13. This temporary permit is issued and permittee takes it subject to California Water Code, Division 2, Chapter 6.5, section 1425 et seq. Any temporary permit issued under this chapter shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the SWRCB.
(0510800)

14. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this temporary permit including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this temporary permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

(0000012)

15. Issuance of this temporary permit shall not be construed as indicating SWRCB approval of water right permits requested under other pending applications.

(0510999)


This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD


for Edward C. Anton, Chief
Division of Water Rights

Dated: JUL - 9 2003